

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

GXXXXXX MXXXXXX, et al.

Plaintiffs

§

§

§

§

§

§

§

§

§

CIVIL NO.: 7:21-CV-00337

**HARLINGEN CONSOLIDATED
INDEPENDENT SCHOOL DISTRICT**

Defendant

JURY DEMAND

MOTION FOR ENTRY OF AGREED PROTECTIVE ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Defendant, **HARLINGEN CONSOLIDATED INDEPENDENT SCHOOL DISTRICT**, (“District” or “HCISD”), and files this Motion for Entry of Agreed Protective Order, and shows the Court the following:

1. Plaintiffs, GXXXXXX MXXXXXX, Deceased, Maria Fuentes, Gabriel Miranda, Sr., Alexandria Suzanne Melendez, Rueben Antonio DeLeon III, and Jon Hidalgo Doe, and Defendant, Harlingen Consolidated Independent School District, have agreed to submit an Agreed Protective Order with regard to confidential personnel records, student records, and/or law-enforcement records, which may be exchanged in discovery or otherwise produced in this case.
2. The parties agree that discovery in this case implicates the need for exchange of certain personnel records, student records, and law-enforcement records. Each of these categories of information involves materials made confidential by law. The parties have

agreed to keep such matters confidential, except insofar as their use in this Court is necessary for the prosecution or defense of the claims in this lawsuit.

3. The parties have agreed to certain terms concerning the timing and exchange of protected information. Those understandings are set out in the attached proposed Agreed Protective Order. The parties agree that some records to be exchanged in this matter may contain personally identifiable personnel information and are protected by the Family Educational Rights and Privacy Act ("FERPA"), codified at 20 U.S.C. § 1232g. If this is the case, the parties also agree that, in order to accomplish the exchange of protected educational records in this case, Defendants must make a reasonable effort to notify the parent or eligible personnel of this order in advance of compliance, so that the parent, legal guardian, or eligible personnel may seek protective action. *See* 34 C.F.R. 99.31(a)(9)(ii).
4. The parties agree that the personnel records, student records, and law-enforcement records disclosed during the litigation of this case shall be used only for the purposes of this litigation and shall not be used or offered for use in connection with any other litigation or proceeding of any kind or for any business, commercial, or other purpose by the parties or counsel (past, present, or future). Such records shall only be provided to those persons identified in the proposed Agreed Protective Order and on terms provided in the Proposed Order.
5. The Proposed Order does not abridge any party's right to object to the relevance or production of requested information, except as expressly addressed in the order, or in any other order of the Court.

6. The Court has broad discretion in setting limitations on the scope of discovery, and Defendants request the Court enter the proposed Agreed Order governing the production of confidential information in this case. Defendants present this motion in the interest of protecting confidential personnel records, student records, and law-enforcement records. This Motion is not presented for delay or any other improper purpose.

ACCORDINGLY, the District requests that its Motion for Entry of Agreed Protective Order be granted for the reasons set forth above, and that all documents produced in written discovery by the parties, subject to the attached Protective Order, be maintained as confidential pursuant to the terms of such Agreed Protective Order.

Respectfully Submitted,

By: /s/ Leandra C. Ortiz
Leandra C. Ortiz
State Bar No.: 24043854
Federal ID No.: 574013
E-mail: lortiz@wabsa.com
6770 W. Expressway 83, Suite 301
Harlingen, Texas 78552
Telephone: (956) 647-5122
Facsimile: (956) 647-5421

OF COUNSEL:

**WALSH GALLEGOS TREVIÑO
KYLE & ROBINSON P.C.**

**ATTORNEY IN CHARGE FOR
DEFENDANT**

**HARLINGEN CONSOLIDATED
INDEPENDENT SCHOOL DISTRICT**

By: /s/ Katie E. Payne
Katie E. Payne
State Bar No. 24071347

Federal ID No. 1786856
Oak Park
1020 N.E. Loop 410, Suite 450
San Antonio, Texas 78209
E-Mail: kpayne@wabsa.com
Telephone: (210) 979-6633
Facsimile: (210) 979-7024

OF COUNSEL:

**WALSH GALLEGOS TREVIÑO
KYLE & ROBINSON P.C.**

By: /s/ D. Craig Wood
D. Craig Wood
State Bar No. 21888700
Federal ID No. 979301
1020 N.E. Loop 410, Suite 450
San Antonio, Texas 78209
E-mail: dwood@wabsa.com
Telephone: (210) 979-6633
Facsimile: (210) 979-7024

OF COUNSEL:

**WALSH GALLEGOS TREVIÑO
KYLE & ROBINSON P.C.**

CERTIFICATE OF CONFERENCE

On June 13, 2022, Counsel for Defendant, Harlingen CISD, conferred with Martin J. Cirkiel, attorney for Plaintiffs. Counsel was in AGREEMENT to the filing of this motion.

/s Leandra C. Ortiz
Leandra C. Ortiz

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 12th day of July, 2022, a true and correct copy of the foregoing *Motion for Entry of Agreed Protective Order* was electronically filed with the Clerk of the Court using CM/ECF system and has been served on Plaintiffs' counsel of record, pursuant to Federal Rules of Civil Procedure as follows:

COUNSEL FOR PLAINTIFFS:

Mr. Martin J. Cirkiel, Esq.
CIRKIEL & ASSOCIATES, P.C.
1901 E. Palm Valley Boulevard
Round Rock, Texas 78664

/s/ Leandra C. Ortiz
Leandra C. Ortiz